COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: May 13, 2013
FILE NO:

OFFICE CORRESPONDENCE

B. G.

FROM: BUDDY GOLDMAN, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2307799/FO2307802/IV2334151
Incident:	Hit Shooting/Significant Force
Incident Date:	February 26, 2012
Units:	Lakewood Station Cerritos Station
Suspect:	Eduardo Armas, MH/10-13-66
Involved Employees:	Deputy [redacted] #[redacted] Deputy Michael Espinosa, #[redacted] Deputy Vincent Ortiz, #[redacted] Deputy Jeffrey Rabideaux, #[redacted] Sergeant Joseph Fleischmann, #[redacted]
EFRC Date:	May 9, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, Bobby Denham, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

A deputy was advised of a reckless driver in the area of the 91 Freeway. He observed a truck matching the description being driven recklessly.

He attempted a traffic stop, but the driver (suspect) of the truck failed to yield and a slow speed pursuit was initiated. The rear windows of the truck were blacked out (tinted). After a short distance, the suspect entered an alleyway and stopped. While being ordered to exit the truck at gunpoint, the suspect was non-complaint, yelling obscenities, and shouting that he was disabled. The suspect picked up an item and held it up to the window. Believing the suspect had armed himself with a firearm, the deputy fired two rounds at the suspect prior to the deputy's weapon malfunctioning.

Assisting deputies arrived and continued to order the suspect to show his hands. Again, the suspect was non-complaint, yelling obscenities, and indicated he was disabled. At this point, the suspect raised a second object toward the windows. Believing it was a sawed off shotgun, two deputies fired at the suspect. A third deputy, who was taking cover on the passenger side of the lead patrol car, also fired at the suspect.

Shortly after the second shooting incident, the suspect held a bloody hand out the window. In order to gain control of the suspect and render medical aid, an arrest team was formed and took control of the suspect. It was later determined the object held by the suspect which resulting in the first shooting was a handicap placard. The suspect held up a portion of a wheel chair, (black aluminum with duct tape around the handle) which resulted in the second shooting incident.

The EFRC determined the force used against the perceived armed and dangerous suspect was reasonable, necessary, and justified.

The EFRC deemed as **Founded** the allegation that the tactics used by Deputy Vincent Ortiz were in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to, 5-06/105.00, Tactical Incidents), on or about February 26, 2012, while on duty Deputy Ortiz failed to conform to the work standards established for his position as a patrol deputy, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting incident as evidenced by, but not limited to the following:

A. Failing to identify and use appropriate cover or concealment, and/or place himself in a tactical position of advantage, and/or safe location during a deputy involved shooting, and/or;

B. Failing to independently verify and identify an immediate threat to his safety and or those in the immediate vicinity before discharging his handgun, and/or;

C. Failing to exercise and display proficiency in the handling of his handgun, and/or accurately using his handgun and acquiring target acquisition during a deputy involved shooting.

RECOMMENDATIONS:

The EFRC recommended Deputy Vincent Ortiz #[redacted] receive a **three (3) day suspension.** The EFRC also recommended Deputy Ortiz attend the eight-hour Tactics and Survival training (TAS I), the eight-hour Basic Tactical Communications class, the eight-hour LIFE class, and the eight-hour Perishable Skills (firearms) training.

Additionally, the EFRC recommended the unit commander, Captain Merrill E. Ladenheim, conduct a tactical debriefing with all personnel involved regarding the unique circumstances of this incident. The tactical debriefing is to include items related to vehicle pursuit radio communications, force prevention policies, and use of deadly force.

BG:JER:jer

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 04/30/13	Bureau/Station/Facility: South Patrol Division / LKD & CER	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 012-03786-1336-339	Date: 02/26/12 Time: 1934 hours
City or Station: Cerritos	Nature of Incident: Deputies were in vehicle pursuit of reckless drunk driver. Suspect refused to get out of vehicle and raised dark, square bject up toward Deputy Draper who fired two rounds at the susp. Susp remained in car refused orders to show his hands. Again, susp raised long dark object toward deputies. Deputies fired rounds at suspect striking him. Deputies extracted suspect from the vehicle (FO2307802).
Location: [redacted] Cedarwood Court (rear alleyway)	

Location Type (*circle one or more*):
Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street
Other: alleyway

Lighting (*circle only one*):
Darkness, Daylight, Other, Street Lights

Weather (*circle only one*):
Clear, **Cloudy**, Fog, Rain

Distance: 20-45 feet

Incident Type (*circle one or more*):
Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **Traffic Stop**, Unarmed Person, Unintentional, **Vehicle Pursuit**, Warrant Service, Warning Shot
Other: (metal wheelchair)

Initiated by (*circle only one*):
Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*):
Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
32 rounds	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*): EM / PM / Day	ShiftType (*circle only one*): Regular / Overtime / Off Duty
[redacted]	Loney	Jessica	R.	**PM**	**Regular**
[redacted]	Bowen	Antoinette	M.	**PM**	**Regular**
[redacted]	Richardson	William	M.	**PM**	**Regular**

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Fleischmann	Joseph	N.	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	[redacted]	[redacted]	[redacted]	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Butao	Oscar	R.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Lindblom	Eric	R.

PSTD Use Only
SH # 2307799

SH-R-438A rev. 3/07

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/26/12	2115	04/28/13	

Employee #	Last Name	First Name	M.I
[redacted]	Flores	Carlos	E.
[redacted]	Grote	Dinah	L.
[redacted]	Haynes	Laura	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	ZZ	45	Y	Y	GS	AR
E#1	S#1	FH	ZZ	45	Y	Y	GS	FA
E#1	S#1	FH	ZZ	45	Y	Y	GS	SH
E#2	S#1	FH	BR	9	Y	Y	GS	AR
E#2	S#1	FH	BR	9	Y	Y	GS	FA
E#2	S#1	FH	BR	9	Y	Y	GS	SH
E#3	S#1	FH	BR	9	Y	Y	GS	AR
E#3	S#1	FH	BR	9	Y	Y	GS	FA
E#3	S#1	FH	BR	9	Y	Y	GS	SH
S#1	E#1	UC					NN	
S#1	E#1	OO					NN	
S#1	E#2	UC					NN	
S#1	E#2	OO					NN	
S#1	E#3	UC					NN	
S#1	E#3	OO					NN	

See Front Side

Involved Employee Information

URN: 012-03786-1336-339

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted] Race: [redacted]	Rank [redacted]	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted]	ShiftType (*circle only one*): [redacted]	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? [redacted]
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: [redacted]	Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] / Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: [redacted]	Caliber [redacted] # Shots [redacted]	Weapons Fired Brand:	Caliber / # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name Espinosa	First Name Michael	M.I. J.
Sex: M Race: H	Rank DSG	Unit Assignment: COPS	Work Assignment (Unit #, Module, etc.): 133F
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5' 08"	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] / Prior Shootings? ☒	Number of Prior Shootings: 1 / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9 mm # Shots 14	Weapons Fired Brand:	Caliber / # Shots
Field Training Officer Emp # [redacted]	Last Name Solis	First Name Victor	M.I. T.
Field Training Officer Emp # [redacted]	Last Name Harold	First Name Sean	M.I. F.

E 3

Employee # [redacted]	Last Name Ortiz	First Name Vincent	M.I. D.
Sex: M Race: H	Rank DSG	Unit Assignment: CER	Work Assignment (Unit #, Module, etc.): 233A
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5' 11"	Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] / Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber 9 mm # Shots 7	Weapons Fired Brand:	Caliber / # Shots
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Suspect Information

Suspect Information

S 1

Last Name: Armas	First Name: Eduardo	M.I.: S.
AKA Last Name: Serrato	First Name: Eduardo	M.I.: A.

Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 46 D.O.B. 10/13/66	Height: 5' 05" Weight: 160	FBI #: [redacted]	CII #: [redacted]
Booking #: 3066397	Primary Charge: 69 P.C.	Secondary Charge: 23152 (a) V.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: Alcohol, Cocaine, and Opiates
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Dodge		Model: Dakota pick-up	Year: 1997

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED, HIT SHOOTING
IAB# SH2307799 & FO2307802

URN: 012-03786-1336-339

DATE / TIME: Sunday, February 26, 2012, 1934 hours

LOCATION: [redacted] Cedarwood Court (rear alleyway), Cerritos, CA. 90703

SUSPECT: Eduardo Armas, MH/46, DOB: 10/13/66, Booking #3066397.

INVOLVED PERSONNEL:
Deputy [redacted] # [redacted] Unit [redacted]
Deputy Michael Espinosa, # [redacted] Unit 133F, PM's
Deputy Vincent Ortiz, # [redacted] Unit 233A, PM's

Internal Affairs Bureau Acting Lieutenant Carlos Flores, and Sergeants Dinah Grote and Laura Haynes, responded to the Command Post located at 16700 Norwalk Boulevard, in the city of Cerritos, where a deputy-involved, hit shooting had occurred.

Upon our arrival, we learned that Deputy [redacted] was involved in a vehicle pursuit of a reckless drunk driver, Suspect Eduardo Armas. At the terminus of the pursuit, Suspect Eduardo Armas refused to show his hands. He turned back toward Deputy [redacted] and pointed a dark square object, which resembled a handgun, out his window at him. In fear, Deputy [redacted] fired two rounds at the suspect.

Several assisting units arrived. After numerous commands and refusal by the suspect to place his hands out his window, again the suspect raised a long, black object that resembled a shotgun or rifle barrel, and turned back toward the deputies. In fear, Deputies [redacted] Michael Espinosa, and Vincent Ortiz fired rounds at the suspect. After gaining cooperation from the suspect, he was extracted from his vehicle and handcuffed.

Homicide Detectives Kevin Lloyd and Frederick Morse were also present and handled the crime scene. Attorney Cindy Hernandez of the Office of Independent Review was also notified and responded.

Suspect Armas was transported via ambulance to a local hospital for his gunshot wounds where he was listed in stable condition. There were no deputy personnel injuries.

A/Lieutenant Carlos Flores checked to see that Watch Commander, Lieutenant Eric Lindblom, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative.

In addition, A/Lieutenant Flores checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor [redacted] until they have provided a statement to the assigned investigators.

SYNOPSIS:

On February 26, 2012, at approximately 1926 hours, Lakewood Sheriff's Station desk personnel received a 9-1-1 call from a citizen advising that a drunk driver in a black pick-up truck was swerving in the lanes on the 91 Freeway. The citizen continued to say the drunk driver hit the side of the road and then exited the freeway at Pioneer Boulevard, going in an unknown direction. The citizen was unable to provide a vehicle license plate number.

Lakewood Station desk personnel transferred the 9-1-1 caller to the California Highway Patrol and then sent out a Mobil Digital Terminal message to all Lakewood units who were logged onto a terminal advising of the above information.

Deputy [redacted] responded toward the area west bound on Artesia Boulevard from Norwalk Boulevard when he saw a dark green truck traveling east on Artesia Boulevard from Pioneer Boulevard at a high rate of speed. The truck then drove over the raised concrete center median and failed to stop for the red traffic light at Elaine Avenue. Deputy [redacted] caught up to the vehicle in the left turn lane on Artesia Boulevard to north bound Norwalk Boulevard. He saw the suspect's vehicle wheels spin out in place, which caused smoke from the tires.

When the turn signal turned green, the suspect turned north bound onto Norwalk Boulevard. Deputy [redacted] activated his emergency lights to conduct a traffic stop, but the vehicle continued to travel at slow speeds in the number two lane of north bound Norwalk Boulevard traffic, failing to yield.

At this point, Deputy [redacted] broadcasted over his radio to the Sheriff's Communication Center (SCC) and requested emergent radio transmissions regarding his pursuit of a reckless drunk driver as it continued into the city of Cerritos. Cerritos Station patrol unit Deputy Jessica Loney arrived and became the secondary unit as the pursuit traversed into an alley where the suspect vehicle came to a stop, less than a mile from the initiation.

Deputy [redacted] stopped his patrol car behind the suspect vehicle and Deputy Loney stopped her vehicle parallel to his vehicle on his right side. Deputy [redacted] held the suspect at gunpoint and gave commands to the suspect to place his hands outside the window, while Deputy Loney handled radio transmissions. The suspect would put one hand out the window, pull it back and put the other hand out. The suspect yelled out, "Fuck you. I'm disabled, fuck you," and refused to place both hands outside his window.

As Deputy [redacted] waited for additional units to arrive, Suspect Armas turned to his left and raised a dark black or blue colored, square object that was rounded at the top, up to the window. Believing it was a gun, Deputy [redacted] fired two consecutive rounds at the suspect's body. After firing at the suspect, [redacted] handgun malfunctioned and he conducted a tactical magazine exchange as Deputies Michael Espinosa and Vincent Ortiz arrived.

Deputies [redacted] and Espinosa stood behind the Deputy [redacted] opened driver's door and yelled commands to Suspect Armas to place his hands out the window; he still did not comply and yelled profanities at the deputies and said he was disabled. Deputy Ortiz took a position at the front passenger's side door of Draper's vehicle and discovered it was locked. Switching his handgun to his left hand, Ortiz grabbed his car keys to unlock the door.

As Ortiz was doing this, Deputies [redacted] and Espinosa saw the suspect holding a large object in front of him with both hands. Deputies could see that the object had duct tape on the handle. The suspect then turned toward the deputies with this object in his hands and began to point it at them. Believing the suspect had armed himself with a sawed-off shotgun and fearing for their safety, Deputies Espinosa and [redacted] fired their weapons.

Deputy Ortiz heard the gunfire and fired two rounds from his left hand at the suspect. He then switched back to his right hand, and fired several more rounds. The gunfire stopped when the suspect dropped the object.

Because the suspect's rear cab window was dark-tinted and he was still not cooperating with deputies, Sergeant Joseph Fleischmann directed Deputy Jeffrey Rabideaux to use the ARWEN (Anti-Riot Weapon Enfield) to break out the back window. Two of the four ARWEN rounds struck the back window, creating two large holes.

After the shooting, it was apparent the suspect had been struck by the gunshots because he began to cooperate and placed his hands out his window as instructed. Sergeant Fleischmann formulated an arrest team to extract the suspect. Between Deputies [redacted] Espinosa and Ortiz, the suspect was pulled from the driver's side of the vehicle and placed on the ground where he was searched and handcuffed.

In a search, no weapon was recovered. However, it appeared the initial dark object was a handicap placard. The large black object was a wheelchair with duct tape wrapped around the arms, which the suspect stated he uses when he gets tired.

Suspect Armas sustained a gunshot wound to his right shoulder, left cheek and right forearm. He was transported to UC Irvine Medical Center where he was listed in critical condition. Toxicology reports indicated that the suspect had a blood alcohol level (BAC) of .18 and he had cocaine in his system and opiates.

After the incident, eleven expended .45 caliber shell casings and 22 expended 9mm shell casings were recovered at the scene. One live .45 caliber round was also recovered at the scene. For further regarding the shooting, refer to the Homicide case book, presented in ***Volume 2 - Exhibit A***, of this case book.

Criminal charges of felony resisting, driving under the influence, and evading arrest were filed against Suspect Armas. His next court date is scheduled for May 3, 2013.

At the time of this writing, no letter of opinion has been received from the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office.

INVOLVED PERSONNEL:

[redacted]
Deputy Sheriff, Employee #[redacted]
[redacted]

WORK HISTORY:

Date of Employment: [redacted]
Date assigned to LKD: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incident(s): [redacted]

ESPINOSA, Michael J.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Detective

WORK HISTORY:

Date of Employment: 01/05/2005
Date assigned to LKD: 06/10/2007
Completed Patrol Training: [redacted]
Prior Shooting Incident(s): 1
Prior Founded Force Incident(s): [redacted]

ORTIZ, Vincent D.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Cerritos Sheriff's Station - Patrol

WORK HISTORY:

Date of Employment:	06/14/2001
Date assigned to CER:	09/02/2012
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

EMPLOYEE WITNESSES:

LONEY, Jessica R.
Deputy Sheriff, Employee #[redacted]
Court Services Division/Airport Court

BOWEN, Antoinette M.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Patrol

RICHARDSON, William M.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Patrol

FLEISCHMANN, Joseph N.
Sergeant, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Patrol

RUDD, Daniel R.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Detective

MCCARTY, Michael R.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Patrol

RABIDEAUX, Jeffrey M.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Patrol

[redacted]
Deputy Sheriff, Employee #[redacted]
[redacted]

BYRNE, Jonathan R.
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Lakewood Sheriff's Station - Patrol

STAMPER, Sean L.
Deputy Sheriff, Employee #[redacted]
Central Patrol Division/Marina Del Rey Sheriff's Station – Boat Operator

NAVARRETTE, Donald R. [redacted]
Deputy Sheriff, Employee #[redacted]
South Patrol Division/Cerritos Sheriff's Station - Patrol

NON-EMPLOYEE WITNESSES:
[redacted] MH/[redacted] DOB: [redacted]
[redacted]
Cell # [redacted]

[redacted] FW/[redacted] DOB: [redacted]
[redacted]

SUSPECT INFORMATION:
ARMAS, Eduardo Serrato, MH/46, DOB: 10/13/66, 5' 05", 160 lbs., Booking #3066397
[redacted]

CII #[redacted] CCHRS #[redacted] MAIN #[redacted] FBI #[redacted]

A check of CCHRS/CII (Consolidated Criminal History Reporting System/Criminal Information Index) revealed that Suspect Armas had [redacted] For further, refer to a copy of Suspect Armas' Booking/Property records and CCHRS/CII printouts, presented in the Homicide case book, in ***Volume 2 - Exhibit A, pages 93-117***.

INJURIES:
No deputy sheriff personnel were injured during this incident.

Suspect Armas sustained a gunshot wound to his right shoulder, left cheek and right forearm. For further regarding Armas' medical treatment and assessment, refer to the Homicide case book, in ***Volume 2 - Exhibit A, pages 23 and 58***, in this case book.

PHYSICAL EVIDENCE:

Recovered within the alleyway was the suspect's clothing, numerous .45 and 9mm caliber cartridge casings, "Beretta" and "Sig Sauer" magazines, ARWEN cartridge cases, fragmented jacketed bullets, expended bullets, a live .45 caliber round, a Disabled Person's parking placard, red plastic pieces, and pieces of glass.

Located within the suspect vehicle was a handicap walking device, expended bullets, fragmented bullets, a box of "Budweiser" beer containing closed beer cans, an ARWEN projectile, and one black, bloodied sock. For the complete summary of the evidence, refer to the Homicide case book, in ***Volume 2 - Exhibit A, pages 70-75***. For photographs of the suspect's vehicle and his wheelchair, refer to ***Volume 2 - Exhibits Q and R***, in this case book.

The evidence was documented, gathered and photographed by Firearms Examiner April Wong, Forensic Identification Specialist's (FIS) Robert Webber, Ramon Escobedo, and Stefanie Marr. Refer to copies of their supplemental reports presented in ***Volume 2 - Exhibit A, pages 122-142***, in this case book. Also, refer to the CD containing crime scene photographs and sketches, presented in ***Volume 2 - Exhibits S and T***.

INVESTIGATORS' OBSERVATIONS:

The shooting occurred in a north-south alleyway within a condominium complex that has both single-story and two-story residences. On the west side of the alleyway is Judy Way and on the east side is Cedarwood Court. On the north side of the alley is a "T" intersection with an east/west alley, just south of Cuesta Drive. On the south side of the alley is Rancho Vista Drive, which is an east/west roadway. The suspect stopped in the alleyway facing south between the residences of [redacted] Judy Way and [redacted] Cedarwood Court. The alleyway is approximately 30 feet wide and allows for one north and one south bound vehicle to drive unobstructed.

There was a patrol vehicle (#SD5539) parked behind the suspect vehicle and one patrol vehicle (#SD6201) parked west of and adjacent to vehicle SD5539. Parked behind vehicle SD6201 was patrol vehicle #SD6098. For the complete description of the scene, refer to the Homicide case book, ***Volume 2 - Exhibit A, pages 78-79*** and/or a copy of the condominium schematic on ***page 148***.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy [redacted] carried a Department-approved .45 caliber, Sig Sauer, Model 220, semi-automatic pistol, serial # [redacted] with .45 auto caliber ammunition, and an attached flashlight. Deputy [redacted] carried his weapon with 8 rounds in the magazine and one in the chamber. During the shooting, he fired 11 rounds. Following the shooting, Deputy [redacted] handgun was recovered. He had one live round in the chamber and seven live rounds in the magazine. On [redacted] Deputy [redacted] was trained and authorized to carry the Sig Sauer handgun. Previous to this shooting, he qualified with this firearm on [redacted] For further, refer to his Weapons, Shooting, and Training Records, presented in ***Volume 2 - Exhibit D***.

Deputy Espinosa carried a Department-issued 9mm Luger caliber, Beretta, Model 92FS, semi-automatic pistol, serial #BER[redacted] with "WIN" 9mm Luger brand ammunition. He carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired 14 rounds. Following the shooting, Deputy Espinosa's handgun was recovered. He had one live round in the chamber and 15 live rounds in the magazine. Previous to this shooting, Deputy Espinosa qualified with his firearm on [redacted] For further, refer to his Shooting and Training Records, presented in ***Volume 2 - Exhibit E***.

> **IAB NOTE:** Upon completion of gathering evidence, the Crime Scene Specialists located (21) expended 9mm Luger caliber cartridge casings. When Homicide Detectives retrieved Deputy Espinosa's handgun, he had one live round in the chamber and 15 in the magazine. During the shooting, Espinosa conducted a tactical magazine exchange. His discarded, then recovered magazine had one live 9mm round.

Deputy Ortiz' recovered weapon had one live round in the chamber and eight live rounds in the magazine. For further regarding Homicide's gathering of the weapons, refer to Espinosa and Ortiz' Homicide interviews, in ***Volume 2 - Exhibit A, pages 48 and 52***, the Crime Scene Evidence List, ***pages 122-126***.

Deputy Ortiz carried a Department-issued 9mm Luger caliber, Beretta, Model 92FS, semi-automatic pistol, serial #BER[redacted] with "WIN" 9mm Luger brand ammunition. He carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired seven rounds. Following the shooting, Deputy Ortiz' handgun was recovered. He had one live round in the chamber and eight live rounds in the magazine. Previous to this shooting, Deputy Ortiz qualified with his firearm on [redacted] For further, refer to his Shooting and Training Records, presented in ***Volume 2 - Exhibit F***.

The handguns and ammunition were submitted to the Crime Lab, Firearms Examiner April Wong under receipt numbers K387067, K387068, and K367069. Firearms Examiner Edmund Anderson test-fired the firearms and found all three to be functional and within Department standards. He did not find the cause of Deputy [redacted] malfunction. For further, refer to his supplemental reports, presented in ***Volume 2 - Exhibit A, pages 118-121***.

WEAPON USED BY THE SUSPECT:

Suspect Armas was uncooperative and failed to comply with numerous orders given by the deputies to place his hands outside his vehicle window. On two occasions, he reached across his seat and raised a long dark metal object which resembled a rifle barrel.

PROPERTY DAMAGE:

There were two bullet holes in the front passenger window of radio car #SD5539, bullet indentations and bullet holes to the garage door of [redacted] Cedarwood Court, a bullet hole and indentation to the wall, metal rain drain and wall door at [redacted] Cedarwood Court. There was an ARWEN round indentation to a brown Sport Utility Vehicle (CA. license # [redacted] which was parked south of the traffic stop on Rancho Vista Road.

The suspect's vehicle had numerous bullet holes and strikes to the left side, rear bed and tailgate area, rear cab window, front windshield, interior cab area, steering wheel, and left rear view mirror. For further, refer to the evidence list and measurements, presented in ***Volume 2 - Exhibit A, pages 122-125 and 127-134***.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Homicide Detectives Kevin Lloyd and Frederick Morse.
Court:	Norwalk Superior Court
Charges Filed:	69 P.C. (3 counts), 23152 (a) (b) and 2800.1 V.C.
DA Case Number:	VA123869

On February 28, 2012, Homicide Detectives Lloyd and Morse submitted the complaint, which was filed by Deputy District Attorney Edwin Wakabayashi. For further, refer to the criminal complaint filing located in the Homicide case book, ***Volume 2 - Exhibit A, pages 82-92***.

Suspect Armas' blood alcohol was submitted analyzed, resulting in a .18 % BAC content. For further information, refer to the results test, presented in ***Volume 2 - Exhibit A, pages 146-147***.

Suspect Armas' next court date is scheduled for May 3, 2013.

LIGHTING AND WEATHER CONDITIONS:

It was a cool, cloudy night. In the area of the shooting, there were three overhead dimly lit lights mounted on the west side of the walls above the garages. There were no overhead lights on the east side at the shooting site. Also, the suspect's vehicle was illuminated by the two patrol vehicles' headlamps, spotlights, and overhead/light bars.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy [redacted] was interviewed after the incident by Homicide Bureau Detectives Kevin Lloyd and Frederick Morse. He was represented by attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Involved Employees-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 52-55***. Below is a combined summary of the Homicide and IAB interviews.

On March 13, 2013, at approximately 1030 hours, Deputy [redacted] was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy [redacted] was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Involved Employees-IAB Interview***, section of the casebook.

Deputy [redacted] stated he was working a one-person patrol car in the city of Artesia. He said he received a Mobile Digital Terminal (MDT) message from his station's desk area. The message indicated a black truck had been involved in a traffic collision, striking the center median on the 91 freeway, exiting the freeway at Pioneer Boulevard. For further, refer to a copy of a printout of the MDT message and the 9-1-1 call, presented in ***Volume 1 - Exhibit B***.

He responded toward the area and was traveling west bound on Artesia Boulevard from Norwalk Boulevard when he saw a dark green truck traveling east on Artesia Boulevard from Pioneer Boulevard at a high rate of speed. The truck then drove over the raised concrete center median and failed to stop for the red traffic light at Elaine Avenue.

Deputy [redacted] made a U-turn on Artesia Boulevard and drove east bound toward the vehicle, which was stopped in the left turn lane at Norwalk Boulevard. The suspect vehicles' wheels spun out in place, which caused smoke from the tires. Deputy [redacted] was unsure if this was the vehicle involved in the traffic collision on the 91 freeway. He looked at the vehicle for collision damage, but he did not see anything that indicated collision damage. By the time Deputy [redacted] was behind the vehicle, the light turned green to turn north onto Norwalk Boulevard.

The suspect vehicle turned left (north) on Norwalk Boulevard and drove approximately five to seven miles per hour. Deputy [redacted] activated his emergency lights to conduct a traffic stop, but the vehicle continued to travel at slow speeds in the number two lane of north bound traffic passing an entrance to a shopping center and Palm Street, failing to yield.

At this point, Deputy [redacted] broadcasted over his radio to the Sheriff's Communication Center (SCC) and requested emergent radio transmissions regarding his pursuit of a reckless drunk driver. He advised that he was north bound on Norwalk Boulevard approaching Cuesta Street. The Sheriff's Communication Center dispatcher requested additional units and an airship to respond. The suspect turned east on Cuesta Street, then south on Judy Way traveling at approximately five miles per hour.

Deputy [redacted] said a Cerritos Station patrol unit (Deputy Jessica Loney) arrived behind him, so he had her call the pursuit as they were now in the city of Cerritos. The suspect turned east bound into an alleyway and then south bound into another alleyway. The suspect vehicle came to a stop in the alleyway on the east side. Again, the suspect vehicle spun out his tires while staying in place.

Deputy [redacted] stopped his patrol car behind the suspect vehicle. He said he parked as far left as he could to the east side garages allowing him enough room to open his car door. Deputy Loney stopped her vehicle parallel to his vehicle on the right side. Taking cover behind his open driver's doorframe, Deputy [redacted] held the suspect at gunpoint and gave commands to the suspect to place his hands outside the window.

Although he could see that the driver's side window was down, Deputy [redacted] could not see the suspect. He said the suspect would put one hand out the window, pull it back and put the other hand out. The suspect yelled out, "Fuck you. I'm disabled, fuck you," and "flip him off" out the window. Deputy [redacted] said Deputy Loney continued to handle the radio transmissions while he gave orders to the suspect.

As Deputy [redacted] waited for additional units to arrive, Deputy [redacted] only saw a silhouette of the suspect because the rear cab window was darkly tinted. He said he gave the suspect approximately ten separate commands to place his hands outside the windows, but the suspect continued to put them out and pull them back into the truck. With his left hand out the window, Suspect Armas then reached to his right with his right hand.

Turning back to his left and blading his body to the open window, Suspect Armas raised a dark black or blue colored, square object that was rounded at the top, up to the window. Because of the shape and color of the object, coupled with the suspect's actions and because the suspect's left arm shielded him from seeing the object, Deputy [redacted] believed it was a gun and fired two consecutive rounds at the suspect's body mass. He said whatever the suspect had in his hand dropped to the ground outside of the truck.

Deputy [redacted] said his handgun jammed, preventing the slide from going forward. He said he "tapped and racked" his weapon after firing the rounds, then conducted a tactical magazine exchange. He said his weapon was not leaning up against any part of the patrol vehicle and that he fired from a position just above the spotlight.

Deputy [redacted] then told Deputy Loney the suspect had a gun and to advise of the shooting. Approximately 30 seconds later, Deputies Espinosa and Bowen arrived. He said Deputy Espinosa took cover behind his driver's door on his left side and Deputy Bowen took cover to their left, behind a fence of a pedestrian walkway.

After advising Deputies Espinosa and Bowen that the suspect had a gun, Deputies [redacted] and Espinosa continued to yell out commands to the suspect to place his hands outside his window and he (suspect) responded with profanity. Wanting to get a clear view of the interior cab and of the suspect, they decided to get a pepper ball gun or ARWEN to shoot out the rear cab window.

Deputy [redacted] advised Deputy Bowen to get the ARWEN from the trunk of his car, so she opened the trunk of his car. Again, Suspect Armas leaned to his right and retrieved an item and held it with both hands. As the suspect turned his body to his left, Deputy [redacted] saw a metal object, which looked like a barrel of a shotgun or rifle. The suspect pointed the object approximately two to three inches out the window toward them [redacted] and Espinosa). Deputy [redacted] then told Espinosa it was possibly a gun. Deputy Espinosa then yelled out, "Gun," to let everyone know what they saw.

Deputy [redacted] said he fired approximately two to three rounds at the suspect. He reassessed, and then fired another two to three rounds. Reassessed, and fired another two to three rounds. He said Deputy Espinosa also fired rounds at the suspect. Deputy [redacted] said he stopped firing his weapon once he saw the barrel/object was no longer pointed toward him. He said the suspect's upper torso fell toward the passenger side, but he did not see where the suspect placed the barrel/object.

After a few seconds, Suspect Armas was still slumped over to his right side, but he put one hand up in the air. Deputy [redacted] said Sergeant Fleischmann arrived, so he gave Fleischmann a brief update of the incident. A decision was then made to attempt to break out the rear window of the cab. He said Sergeant Fleischmann told all of the deputies to de-cock their weapons.

Deputy [redacted] stated that Deputy Rabideaux made announcements and shot four ARWEN rounds at the truck, striking the rear cab window twice. The suspect then complied and placed his hands out the window. Sergeant Fleischmann then decided to approach the suspect. Deputy Espinosa approached first, followed by Deputy [redacted] Deputy Ortiz, and then Sergeant Fleischmann.

Deputy Espinosa reached in and unlocked and opened the driver's door. Deputy Ortiz unbuckled the seatbelt and grabbed the suspect's upper torso while Deputy [redacted] grabbed the suspect's belt. The suspect was pulled from the vehicle and placed face down on the ground. He saw Deputy Espinosa visually look into the vehicle's interior and the suspect was then handcuffed by either Ortiz or Espinosa.

Deputy [redacted] grabbed a hold of the suspect's belt, Deputy Ortiz grabbed the suspect's armpits and Deputy Espinosa held the suspect's legs as they carried Suspect Armas back (north) behind the patrol vehicles. Deputy [redacted] said the suspect continued to yell profanities and stated he was disabled. The suspect was placed on the ground and Deputy Stamper rendered First Aid until Fire Department personnel arrived several minutes later.

During the shooting incident, Deputy [redacted] said he was unaware that Deputy Ortiz was involved in the shooting. He estimated two to three minutes had elapsed between his first and second shooting. For further regarding the vehicle pursuit, refer to the vehicle pursuit radio transmissions, Pursuit Evaluation form and Vehicle Pursuit Summary memorandum, presented in ***Volume 2 - Exhibit C***.

Also, refer to Deputy [redacted] diagram/sketch depicting the traffic stop, and his Weapons, Shooting and Training records, presented in ***Volume 2 - Exhibit D***.

Detective Michael Espinosa was interviewed after the incident by Homicide Bureau Detectives Kevin Lloyd and Frederick Morse. He was represented by attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Involved Employees-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 48-52***. Below is a combined summary of the Homicide and IAB interviews.

On March 6, 2013, at approximately 1125 hours, Detective Michael Espinosa was interviewed by IAB Sergeants Dinah Grote and Laura Haynes at the Internal Affairs office. Detective Espinosa was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the ***Transcriptions-Involved Employees-IAB Interview***, section of the casebook.

Detective Espinosa stated he was working a one-person patrol unit in the city of Bellflower when he heard radio transmissions of a vehicle pursuit broadcasted by Unit [redacted] in the city of Artesia. Estimating his two to three minute arrival, Detective Espinosa responded to assist in the pursuit when he heard the pursuit had terminated in an alley near Judy Way and Cuesta Drive, in the city of Cerritos.

Detective Espinosa parked his patrol vehicle on Cedarwood Court, which is just east of the alley where the pursuit terminated. He said two other patrol vehicles were parked on the street as well. Detective Espinosa heard two gunshots followed by a radio broadcast of a deputy involved shooting. He then exited his vehicle and walked west bound along a walkway between the condominiums and into the alley.

In the alley, Detective Espinosa saw Deputy [redacted] standing behind the open driver's door of the patrol vehicle, which was faced south behind the parked suspect vehicle. He said another patrol vehicle was parked west of Deputy [redacted] car. Within seconds of his arrival, Detective Espinosa said Deputy Bowen arrived and took a position just north of him on the east side of the alley, and Deputy Ortiz arrived and took a position on the passenger's side of Deputy [redacted] car.

Detective Espinosa stated that Deputy [redacted] told him that he thought the suspect pointed a gun at him, so he [redacted] fired two rounds at the suspect. Detective Espinosa said he and Deputy [redacted] yelled numerous commands to the suspect to place his hands outside his window. He said he wanted to see the suspect's hands to know if he possessed a weapon. He stated the suspect would place his left hand out and then withdraw it. The suspect yelled back profanities to their commands and indicated that he was not coming out of the truck.

Detective Espinosa could see a silhouette of the suspect through the back tinted window of the truck. He and Deputy [redacted] discussed using a less lethal weapon. From his position, Detective Espinosa saw the suspect's movements using the suspect's driver's side mirror. He saw the suspect holding a dark metal object in his right hand, which appeared to be a short barreled shotgun with duct tape around the pistol grip. He saw the suspect cupping the barrel with his left hand holding the object around his chest area.

Detective Espinosa said the suspect rotated his body from his right to his left and turned the object, which Espinosa believed was a shotgun, toward the deputies. Deputy [redacted] said, "He has a gun." Detective Espinosa yelled "gun" and fearing for his life and that of his partner, Deputy Espinosa fired two to three rounds, two to three more rounds, and another two to three rounds at the suspect's upper body and arms near the door jamb. He said he stopped firing once the suspect put his hands back into his vehicle and no longer had the object, which he believed was a shotgun.

Detective Espinosa stated the suspect brought his arms back inside the cab, still holding the object. Detective Espinosa stopped firing his weapon. He said the suspect continued to move around inside the cab. He said they continued to give commands to the suspect to place his arms/hands outside the window, but he did not comply. The suspect then placed his left hand outside the window and Detective Espinosa saw blood on the suspect's hand.

Detective Espinosa then broadcasted a second deputy involved shooting. He also requested Fire/Rescue to respond and to stage prior to driving into the scene. He said he continued to give the suspect commands to show his hands and the suspect would just reply with profanities. He said approximately two minutes after his shooting a sergeant arrived (Fleischmann) and ordered an ARWEN be deployed to break out the rear cab window. The sergeant also requested the air unit to elevate in order to decrease the noise level.

Detective Espinosa heard an announcement that the ARWEN was going to be deployed and heard four rounds fired, but only saw one round perforate the rear window. He said the suspect placed one hand out the window and then both hands. He said because the suspect was injured, Sergeant Fleischmann formulated a plan to approach the suspect and to remove him from the truck.

Detective Espinosa completed a tactical magazine exchange allowing the used magazine to drop to the ground. He said he was lead in the arrest team, followed by Deputies [redacted] and Ortiz, and Sergeant Fleischmann. As they approached the suspect vehicle, they continued to give orders to the suspect to keep his hands out the window.

Detective Espinosa attempted to open the driver's door, but it was locked. He reached in and unlocked it while holding the suspect at gunpoint while Deputy Ortiz released the suspect from his seatbelt. Deputies Ortiz and [redacted] grabbed the suspect's arms and removed from the vehicle laying him on his side onto the ground while Detective Espinosa checked the interior of the truck.

Detective Espinosa saw a pack of beer (12 pack) on the passenger side floorboard and saw a wheelchair on the passenger seat area. Detective Espinosa holstered his weapon and noted that Deputy Ortiz handcuffed the suspect. Detective Espinosa grabbed the suspect's lower legs while Deputies [redacted] and Ortiz took control of the suspect's upper body and they carried the suspect on his side away from the crime scene to an area behind the patrol cars, so that he could be treated by the Fire Department. He said Deputy Stamper began basic first-aid up until the arrival of Fire personnel two minutes later.

During the shooting incident, Detective Espinosa said he was unaware anyone other than he and [redacted] had shot at the suspect. Detective Espinosa said because of the suspect's demeanor and his statements that he was not coming out of the vehicle, he believed the suspect was ready to die or to kill one of the deputies.

Detective Espinosa estimated approximately two minutes had elapsed between the first and second shooting. For further, refer to Detective Espinosa's diagram/sketch depicting the traffic stop and his Shooting and Training records, presented in ***Volume 2 - Exhibit E***.

Deputy Vincent Ortiz was interviewed after the incident by Homicide Bureau Detectives Kevin Lloyd and Frederick Morse. He was represented by attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Involved Employees-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Exhibit A, pages 45-48***. Below is a combined summary of the Homicide and IAB interviews.

On March 6, 2013, at approximately 1238 hours, Deputy Vincent Ortiz was interviewed by IAB Sergeants Dinah Grote and Laura Haynes at the Internal Affairs office. Deputy Ortiz was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Involved Employees-IAB Interview***, section of the casebook.

Deputy Vincent Ortiz stated he was driving in the area of Pioneer Boulevard and South Street in the city of Artesia when he heard a radio broadcast of a deputy involved in a vehicle pursuit of a reckless drunk driver. Knowing he was in close proximity, he responded and another Cerritos unit (Deputy Richardson) responded into a residential area.

Deputy Ortiz said that as he was arriving, he heard radio transmissions that Deputy [redacted] was involved in a shooting. He said he parked on a cul-de-sac street (Cedarwood Court) one street east of the alley where the pursuit terminated and that there was another parked patrol unit on the street.

Deputy Ortiz exited his patrol car and ran west bound on a pedestrian walkway between the condominiums. He said Deputy Richardson ran in a different direction because they did not know the exact positioning of the traffic stop in the alley. He said he entered the alley just north of the traffic stop and saw Deputy [redacted] standing alone behind the driver's door of his patrol vehicle pointing his handgun at the suspect, in a truck.

Deputy Ortiz ran to the driver's side of Draper's patrol vehicle. He said Deputy [redacted] looked over to him and told him the suspect had a weapon. Looking at the suspect vehicle, Deputy Ortiz noted the rear cab window was dark and he could see the silhouette of the suspect's head, shoulders and arm movement.

Deputy Ortiz said he looked for cover and ran to the back of [redacted] patrol car around to the passenger's side. He said Deputy [redacted] yelled out numerous commands for the suspect to show his hands. Ortiz said the suspect would place one hand or both hands outside the truck and then he would pull his hand(s) back into the truck. He said the suspect did this several times. He said he went to take cover behind the front passenger door, but the door was locked, so he placed his weapon in his left hand and pointed it at the suspect vehicle.

Using his right hand, Deputy Ortiz retrieved his car keys to unlock the front passenger's side door. He said he looked down momentarily to find the key hole and heard a single gunshot. He looked up and saw the suspect positioned with his right elbow raised up while the trunk of his body was turned to the left. The suspect was leaning toward the outside of the driver's door, pointing back toward the deputies.

Deputy Ortiz said because of his position and the suspect turning away, Deputy Ortiz said he did could not see the suspect holding anything. He said based on Deputy [redacted] shooting and advisement that the suspect was armed, coupled with the suspect turning toward them as if he were armed and hearing the gunshot, Deputy Ortiz believed the suspect was shooting at him.

Standing at the closed front passenger's side door, Deputy Ortiz fired two consecutive rounds at the suspect's upper body and arms with his left hand. He said because he shoots right handed, he switched the handgun from his left hand to his right hand and immediately fired approximately three to five more consecutive rounds at the suspect's upper torso.

> **IAB NOTE:** It was determined that Deputy Ortiz' first two rounds struck the front passenger's side window of Draper's vehicle. For further, refer to the Field Investigation Report, under Observations "B" and "C", presented in ***Volume 1 - Exhibit A, page 122***.

Deputy Ortiz said he stopped firing rounds because there was no return fire or muzzle flash from the suspect's vehicle and he wanted to assess the situation. He said the other deputies stopped firing rounds at about the same time and he bent down and took cover behind the front passenger's side door. He added that he "never" shoots left-handed.

Deputy Ortiz stated he then unlocked and opened the front passenger's side door, taking cover behind it. He said he and other deputies continued to yell out commands for the suspect to show his hands. He said the suspect was still moving around in the truck and Deputy [redacted] was giving him commands to place his hands outside the truck. He said the suspect was momentarily compliant, but then withdrew his hands again.

Deputy Ortiz said Deputy [redacted] requested a less-lethal weapon to break out the rear truck window so that deputies could have a better view of the suspect. Deputy Ortiz heard an unknown deputy yell "ARWEN" twice. He said the first ARWEN round missed the truck and the second round pierced the rear passenger window, which created a hole.

Deputy Ortiz saw the suspect moving around inside the cab of the truck and then saw him lifting something up and down. He heard a sergeant (Fleischmann) tell everyone to switch their guns to double action for safety reasons and he complied.

Deputy Ortiz said an arrest team was formed to remove the suspect from the truck while the suspect's hands were visible and nothing was in the suspect's hands. He said Deputy [redacted] opened the truck door, so he (Ortiz) grabbed the suspect by his lower forearms, near the wrists and attempted to pull him out, but noticed the suspect was still wearing a seatbelt.

Deputy Ortiz said he released the suspect's right forearm and reached across the suspect to unlatch the seatbelt. As Deputy Ortiz was unfastening the suspect's seatbelt, the suspect used his free right hand and felt around Deputy Ortiz' gun belt as if reaching for his gun. Deputy Ortiz then advised the other deputy personnel that the suspect was reaching for his gun, then shifted his body/hip back and away from the suspect, and unlatched the seatbelt. He said he also saw a folded wheelchair inside the truck.

Deputy Ortiz again took control of the suspect's right forearm and began to pull the suspect from the truck. He said the suspect assisted by scooting his body outward as Deputy Ortiz pulled him out completely.

Deputy Ortiz stated the suspect was placed face-down on the ground outside the vehicle and searched. He said he grabbed the suspect's upper torso, Deputies Espinosa and [redacted] held the suspect's lower extremities and they carried him approximately 25 yards back behind the patrol vehicles. There, they placed the suspect onto his left side on the ground.

Deputy Ortiz said he did not recall if the suspect was actually handcuffed at the suspect vehicle or after he was moved back behind the patrol vehicles. He said he requested someone to notify the Fire Department to respond while he checked the suspect's pulse via the carotid artery.

Deputy Ortiz estimated approximately two to three minutes had elapsed between the first and second shooting. Deputy Ortiz stated he saw a supervisor (Fleischmann) on scene shortly after his shooting. He said that it was only after the incident that he noticed another patrol vehicle (Deputy Loney's) being parked adjacent to [redacted] vehicle. For further, refer to Deputy Ortiz' diagram/sketch depicting the traffic stop and his Shooting and Training records, presented in ***Volume 2 - Exhibit F***.

EMPLOYEE WITNESSES' STATEMENTS:

Deputy Jessica Loney was interviewed after the incident by Homicide Bureau Detectives Luis Nunez and Richard Tomlin. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For her complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 63-65***. Below is a combined summary of the Homicide and IAB interviews.

On December 13, 2012, at approximately 1144 hours, Deputy Jessica Loney was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. She was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy Loney stated she was working as a one-person unit in a marked patrol car, in the city of Cerritos. She said she heard emergent radio transmissions advising that a deputy was in vehicle pursuit of a reckless drunk driver. She said she was one minute away from his location of Norwalk Boulevard and Cuesta Avenue, so she responded to the area.

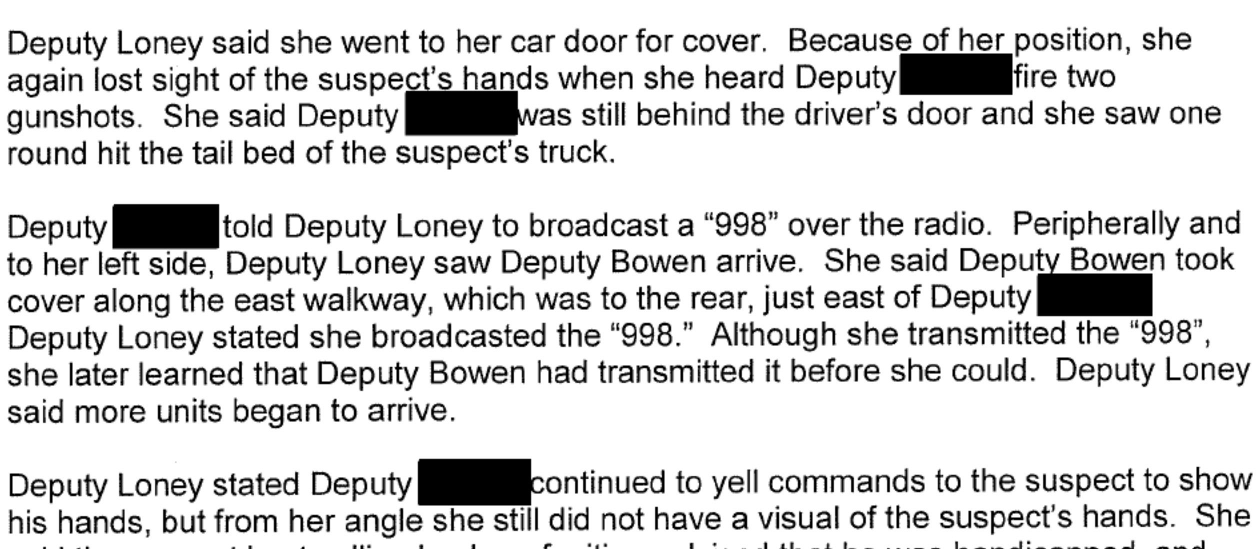
As Deputy [redacted] provided his updated location, Deputy Loney turned east on Cuesta Avenue from Norwalk Boulevard. She saw Deputy [redacted] and the suspect were at the stop sign, facing east on Cuesta Avenue at Judy Way. Once behind Deputy [redacted] Deputy Loney began to broadcast their pursuit in which they were traveling at approximately five miles per hour.

Deputy Loney radio broadcasted to other responding units that the suspect stopped in the north/south alley, east of Judy Way and Cuesta Avenue, facing south. She said when the suspect stopped his vehicle he started spinning his tires, causing them to screech. Deputy [redacted] parked his patrol vehicle behind the suspect's vehicle and she parked her patrol vehicle slightly behind and to the right of Deputy [redacted] vehicle.

Deputy Loney advised via radio that they were detaining the suspect at gunpoint. She said she stood behind her open driver's door and Deputy [redacted] stood behind his opened driver's door. As she was providing information over the radio, she could hear Deputy [redacted] yelling out commands to the suspect to show his hands and to place them outside the vehicle. She heard the suspect respond with profanities and he advised that he was disabled.

Deputy Loney said that because of her position, she could not clearly see the suspect's hands. She said she could see the suspect's left hand when it was completely out the window, but she could not see his right hand. She said he would put his hand out the window and pull it back in.

Deputy Loney stated that because the back window had dark tinting, she could only see a silhouette of the suspect. She did not see a second occupant. She said as she went to take cover behind Deputy [redacted] front passenger door, she saw the suspect pull out a handicap card and he kept yelling that he was handicapped, while using profanities. When she reached the passenger door, she discovered it was locked.



Deputy Loney said she went to her car door for cover. Because of her position, she again lost sight of the suspect's hands when she heard Deputy [redacted] fire two gunshots. She said Deputy [redacted] was still behind the driver's door and she saw one round hit the tail bed of the suspect's truck.

Deputy [redacted] told Deputy Loney to broadcast a "998" over the radio. Peripherally and to her left side, Deputy Loney saw Deputy Bowen arrive. She said Deputy Bowen took cover along the east walkway, which was to the rear, just east of Deputy [redacted] Deputy Loney stated she broadcasted the "998." Although she transmitted the "998", she later learned that Deputy Bowen had transmitted it before she could. Deputy Loney said more units began to arrive.

Deputy Loney stated Deputy [redacted] continued to yell commands to the suspect to show his hands, but from her angle she still did not have a visual of the suspect's hands. She said the suspect kept yelling back profanities, advised that he was handicapped, and told the deputies to "just shoot me." She said Deputy Ortiz went to the passenger's side of Draper's vehicle and was in between her patrol car. She said Deputy Ortiz attempted to open Draper's front passenger door and she recalled telling Ortiz the door was locked. She stated a second "998" went out, but she still did not know what the deputies saw nor hear anyone announce "gun".

Deputy Loney said Deputy Ortiz, who was positioned in between the front and rear closed passenger's side doors, shot several rounds. She could she could hear multiple shooters coming from her left side, but she did not know who else was firing rounds. She said the suspect continued to yell profanities and was still non-compliant to their commands to show his hands. Deputy Loney said from her rear right side, she heard Sergeant Fleischmann request an ARWEN. She said there were discussions about not being able to see the suspect inside the cab and using the ARWEN to shatter the window.

Deputy Loney stated Sergeant Fleischmann told everyone not to shoot and instructed that no other rounds were to be fired. She stated that from her opened front passenger's side door, an unknown Lakewood assigned deputy (Rabideaux) shot ARWEN rounds at the suspect vehicle. She said Deputy Richardson stood next to Rabideaux and that she recalled only two rounds being fired. She said one round deflected and bounced off the vehicle and the other round penetrated the window by creating a hole, but it did not shatter the window.

Deputy Loney stated she then saw Deputy [redacted] and several other deputies approach the suspect vehicle from Deputy [redacted] driver side. She saw Sergeant Fleischmann in the area. She said she maintained focus on the suspect while the arrest team made their approach to the suspect vehicle. She did not see how the suspect was extracted from the vehicle. She said when the deputies came into view, peripherally she saw them (deputies) carrying the suspect by his arms and legs back behind (north) the patrol vehicles. She does not know how the suspect was positioned when he was carried and said the vehicle was cleared, and a Code 4 was put out over the radio.

Deputy Loney stated from her position, she never saw a threat so she did not fire her weapon. For further, refer to Deputy Loney's radio transmissions of the pursuit and her diagram/sketch depicting the traffic stop, presented in ***Volume 2 - Exhibits C and G***.

Deputy Antoinette Bowen was interviewed after the incident by Homicide Bureau Detectives Luis Nunez and Richard Tomlin. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions- Employee Witnesses-Homicide Interview*** section of the IAB casebook. For her complete summarized interview with Homicide Bureau investigators, refer to ***Volume 1 - Exhibit A, page 67***. Below is a combined summary of the Homicide and IAB interviews.

On December 19, 2012, at approximately 1215 hours, Deputy Antoinette Bowen was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. She was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions- Employee Witnesses-IAB Interview***, section of the casebook.

Deputy Bowen stated that she was working as a one-person unit in a marked patrol vehicle. She said she was at Norwalk and Del Amo Boulevards when she heard radio transmissions of a deputy involved vehicle pursuit. She stated she responded Code 3 after receiving an acknowledgement. She said the pursuit was going east on Cuesta Drive at Judy Way.

Deputy Bowen arrived in the area and turned east on Rancho Vista Drive. As she was passing the south side of the alleyway, she saw the traffic stop was faced south toward her. Simultaneously, she heard radio transmissions advising her that her vehicle was in the line of fire, so she continued east and turned north on the first street (Cedarwood Court), where she parked her vehicle.

Deputy Bowen said that as she ran west toward the patrol car lights she heard commands being yelled, "Let me see your hands, let me see your hands!" followed by two popping sounds. When Deputy Bowen arrived at the alley, she took cover behind a wood fence on the east side of the walkway. She looked south and saw Deputy [redacted] standing behind his open driver's side door pointing his weapon toward the suspect vehicle which was parked in front [redacted] patrol car.

Deputy Bowen saw a second patrol vehicle parked on the right side of Deputy [redacted] car. She saw Deputy Loney standing behind the open driver's side door of that car. She said both deputies [redacted] and Loney) stood behind their opened driver's doors and yelled commands to the suspect to place his hands outside his window. From her vantage point, she saw the suspect place his hands outside the window and bring them back in, and heard the suspect yell out profanities and say he was disabled.

Deputy Bowen said she ran to Deputy [redacted] door and took cover with him. Deputy [redacted] told her to put out "998" radio traffic. She then realized that a shooting had occurred and she broadcasted emergent radio transmissions of the shooting. As she was doing this, she said other units began to arrive and Deputy Espinosa came to their [redacted] and Bowen's) side of the vehicle.

Deputy Bowen said at this point, Deputy [redacted] formulated a plan to use an ARWEN to shatter the back window of the suspect's truck in order to see inside the cab area. Deputy [redacted] told her he had an ARWEN in the trunk of his car, so she ran to the trunk and opened it, which obscured her view of the suspect's vehicle. As she was retrieving the ARWEN, she heard one gunshot followed by approximately 10-20 more rounds.

Deputy Bowen believed the suspect was shooting as well as the deputies. She left the ARWEN in the trunk, pulled out her handgun, and ran to the right side of [redacted] car for cover, which was being occupied by Deputy Ortiz at the front passenger door. She said at that point the shooting had stopped and she could hear the suspect yelling profanities as she ran back to [redacted] trunk to retrieve the ARWEN and ammunition. She said Deputy Rabideaux arrived at the trunk area. She then handed the ARWEN to Deputy Rabideaux while she grabbed the ammunition.

From the trunk area, Deputies Rabideaux and Bowen went around the rear of Deputy Loney's car to her front passenger's side door. From the open door, announcements were made that the ARWEN was going to be deployed. Deputy Rabideaux then fired a total of four rounds at the rear cab window in an attempt to shatter the window, but was unsuccessful. She said she handed Rabideaux the rounds one by one during the ARWEN deployment. She said one to two rounds struck the window, but it only caused a hole and did not shatter the window.

Deputy Bowen said shortly afterward, she saw Deputies [redacted] and Ortiz, along with one to two other unknown deputies approach the suspect's truck from the driver's side She said because of her position at the front passenger's door of Deputy Loney's car, she did not see the suspect being extracted from his vehicle. She also did not see how they carried the suspect back toward the rear of Deputy [redacted] vehicle. She said the vehicle was cleared and a Code 4 was advised.

Deputy Bowen stated that throughout this incident the suspect moved around in his vehicle and placed his hands outside the window and back in again. She recalled seeing Sergeant Fleischmann, but was unsure if it was during or after the incident. For further, refer to Deputy Bowen's diagram/sketch depicting the traffic stop, presented in ***Volume 2 - Exhibit H***.

Deputy William Richardson was interviewed after the incident by Homicide Bureau Detectives Luis Nunez and Richard Tomlin. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 65-66***. Below is a combined summary of the Homicide and IAB interviews.

On December 20, 2012, at approximately 1150 hours, Deputy William Richardson was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. He was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy Richardson stated he responded to a deputy involved in a vehicle pursuit of a reckless drunk driver. Deputy Richardson said he was trying to locate the alley where the pursuit ended when he heard radio transmissions advising a deputy involved shooting occurred. He turned north on Cedarwood Court and parked his vehicle.

Deputy Richardson exited his patrol car and ran west using a pedestrian walkway into the alley. He saw a patrol vehicle parked facing south bound with Deputy [redacted] standing outside the opened driver's door. He said there was another unknown deputy who stood next to [redacted] Parked in front of [redacted] vehicle was a pickup truck. He stated that another patrol vehicle was parked parallel to Deputy [redacted] vehicle on the west side and Deputy Loney stood at the opened driver's side door of that vehicle.

Deputy Richardson took a position on the passenger's side door of Deputy Loney's car. He opened the front door and took cover behind it with his weapon drawn. He focused on the passenger's side of the truck because he did not know the amount of occupants inside. He heard a deputy giving commands for the suspect to place his hands out the window and heard the suspect say something unintelligible along with profanity.

Deputy Richardson said from his vantage point he could only see the tips of the suspect's finger's outside the window. He said the rear window of the truck had dark tint and he was unable to see if the suspect was complying with the deputy's commands. He saw the suspect put his hands back inside the truck then heard three to 20 gunshots coming from Deputy [redacted] side of his vehicle. He said he chose not to fire as he could not clearly see the suspect and he saw two people on the east side, second-story balcony, in his line of fire.

After the gunshots stopped, Deputy Richardson heard deputies again giving the suspect orders to place his hands outside the window. He said the suspect placed his hands out the window and then back inside. He said Deputy [redacted] requested an ARWEN to break out the suspect's rear cab window. He said a female deputy (Bowen) retrieved an ARWEN then came over the rear of Deputy Loney's patrol car and handed it to him.

Deputy Richardson said he was unfamiliar with that model ARWEN. He said a tall, unknown deputy (Rabideaux) said he knew how to use that model and he (Rabideaux) took possession. He said he provided three to four rounds to Deputy Rabideaux who fired at the suspect's vehicle, striking the window once. The round left a hole, but it did not shatter the window.

Deputy Richardson said he heard Sergeant Fleischmann directing deputies to form an arrest team. He saw Sergeant Fleischmann and three other unknown deputies approach the suspect's vehicle from the driver's side of the suspect truck. He said he did not see the contact/extraction because his view to the driver's side of the pickup truck was blocked because of the truck's bed. He saw the handcuffed suspect being carried by unknown deputies to the rear of a patrol car. He said a deputy (Stamper) with a trauma kit attempted to render first aid until paramedics arrived. For further, refer to Deputy Richardson's diagram/sketch depicting the traffic stop, presented in ***Volume 2*** - ***Exhibit I***.

Sergeant Joseph Fleischmann was interviewed after the incident by Homicide Bureau Detectives Kevin Lloyd and Frederick Morse. Also present was Sergeant Dinah Grote from Internal Affairs Bureau. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 1 - Exhibit A, pages 41-43***. Below is a combined summary of the Homicide and IAB interviews.

On December 20, 2012, at approximately 1035 hours, Sergeant Joseph Fleischmann was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Sergeant Fleischmann was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Sergeant Fleischmann stated he was working as a field sergeant in the City of Cerritos when he heard a radio transmission advising that a Lakewood Station assigned deputy [redacted] was in pursuit of a reckless drunk driver. He said he responded in the direction of the pursuit and heard a Cerritos Station unit say that she (Loney) was present and assisting in the pursuit.

While Sergeant Fleischmann was responding, he heard the pursuing units advising that the suspect had stopped his vehicle. He then heard that a deputy involved shooting had occurred. He said he did not hear any other field sergeant present at the scene, so he continued to respond and saw a Sheriff's Department Aero unit overhead.

Sergeant Fleischmann said he arrived approximately three to four minutes later. As he turned into the east alleyway off of Judy Way, he heard approximately six gunshots. He said he parked his vehicle south of the "T" alleyway intersection. As he exited his vehicle, he saw three patrol vehicles parked behind the suspect vehicle and saw smoke hanging in the air. He also saw Deputy Navarrette exit his patrol car, which was parked on the east side of the alley behind the primary car [redacted]

Sergeant Fleischmann approached the patrol cars on the west side of the alley, along the garages. He said he went into an alcove along the west side and where he saw Detective Rudd and another three unknown deputies. He saw two Lakewood assigned deputies (Espinosa and [redacted] and Deputy Navarrette standing near the opened driver's door of the patrol car, which was parked directly behind the suspect's pickup truck.

At that same patrol vehicle, he saw Deputy Ortiz standing near the unopened passenger's side door and heard the deputies giving commands to the suspect to show his hands. He said the rear window on the suspect's truck was dark, preventing personnel from seeing inside the cab area.

Sergeant Fleischmann saw another patrol vehicle parked adjacent to, and west of the primary patrol car. He said he cleared the area and went to the rear of that patrol car (Loney's) and saw a deputy (Loney) standing at the opened driver's door and Deputy Richardson standing behind the passenger's side door. He heard deputies at the primary driver's car door yelling out for a stunbag shotgun.

Sergeant Fleischmann looked toward the primary vehicle and saw Deputy Bowen at the open trunk of the primary patrol vehicle. He saw Deputy Bowen moving items in the trunk and believed she was retrieving the stunbag shotgun. While this was occurring, he heard deputies on the driver's side giving orders to the suspect to place his hands outside the truck's window. He said the suspect would only place one hand out the window.

As Sergeant Fleischmann assessed the situation, he saw Deputy Ortiz at the closed front passenger's side door of the primary vehicle and also saw two bullet holes in the window where Ortiz stood. Moving to the passenger side of the primary vehicle, Sergeant Fleischmann pulled Deputy Ortiz backward, re-positioned him to the rear area of the patrol car, and told him to watch his line of fire. He said that Deputy Ortiz was in single-action, so he gave a general order to all personnel to "lever down, lever up," and told personnel behind the patrol vehicles to holster their weapons to prevent any accidents or cross-fires.

Sergeant Fleischmann said Detective Rudd arrived at his side, so he instructed Rudd to go to his (Fleischmann's) vehicle and retrieve the pepper ball gun. He said Detective Rudd left and he (Fleischmann) made his way around the trunk to the driver's side of the primary vehicle. He said he was given a cursory briefing that the deputies were involved in a shooting and that the suspect was still in the truck. He looked at the suspect's vehicle and noted the dark tinting on the rear cab window and tried to get a visual of the suspect by using the truck's side mirrors, but had difficulty seeing inside the cab.

Sergeant Fleischmann then moved to the right rear end of the primary patrol and requested an ARWEN in an attempt to break out the rear window. He saw deputies moving up along the passenger's side of the second primary patrol vehicle to the opened front door.

Moving to the rear of the secondary patrol vehicle, Sergeant Fleischmann saw a tall Lakewood assigned deputy (Rabideaux) with an ARWEN. Sergeant Fleischmann then made announcements of the ARWEN's deployment and directed Deputy Rabideaux to shoot out the passenger's side rear cab window of the suspect truck.

Sergeant Fleischmann said the first round did not hit the rear and deflected off of the passenger's side window. The second and third rounds pierced the window and created holes, however it did not afford the deputies a better view inside the cab. He said a fourth round was fired, but he did not see where it landed.

After the four rounds were fired, Sergeant Fleischmann stated he went back to the driver's side of the primary patrol vehicle and yelled orders to the suspect to place his hands outside the truck window. Sergeant Fleischmann saw blood on the suspect's hands when he would place them outside the window and then back inside the cab. Fleischmann told the suspect to keep his hands outside the window, so that he (Fleischmann) could get the suspect help, which he complied with.

Sergeant Fleischmann stated he formed a team to approach the suspect and take him into custody. He told the team that if the suspect continued to keep his hands outside the window, they would then extract the suspect from the truck. He said the team consisted of Deputy Navarrette who was armed with a shotgun while Deputies Espinosa and [redacted] were armed with handguns.

Sergeant Fleischmann said Deputies Espinosa and [redacted] approached first, followed by him then Deputy Navarrette. He said Deputy Ortiz came up from his behind as they approached the truck door. He said the suspect's door was opened and he directed Deputy Ortiz to pull the suspect from the truck. He said the suspect's seatbelt was still on, so it was removed and the suspect was then pulled out from the truck by his arms. The suspect was laid face-down on the ground, searched and handcuffed.

Sergeant Fleischmann did not see who had searched and handcuffed the suspect. He stated that out of his peripheral vision, he noted everything he directed the deputies to do was being done. He said the vehicle was cleared and a Code 4 was yelled out to all personnel. Simultaneously, the suspect was carried back behind two patrol vehicles and placed on the ground where a paramedic unit was requested to respond and medically treat the suspect. Sergeant Fleischmann said Fire Department personnel arrived within three minutes and began treating the suspect.

Sergeant Fleischmann stated a Lakewood Station sergeant [redacted] was on scene. He and Sergeant [redacted] began to identify and separate the deputies that shot their weapons and the deputies who had witnessed the shooting. Sergeant Fleischmann estimated that from the time he arrived up until the time a Code 4 went out, five to six minutes had elapsed. For further, refer to Sergeant Fleischmann's diagram/sketch depicting the traffic stop, presented as ***Exhibit J***.

On January 3, 2013, at approximately 1045 hours, ***Detective Daniel Rudd*** was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Detective Rudd was represented by Attorney Erika Gurrola from Green & Shinee. Below is a summary of his interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Detective Rudd stated he was working in a marked patrol vehicle and he responded to an assistance request regarding a vehicle pursuit. He said the pursuit traversed into the city of Cerritos. While en route, he heard the deputies say the vehicle had stopped and that they were detaining the suspect at gunpoint, then all of a sudden, advised of a deputy involved shooting.

Detective Rudd said he followed several units into the area. He said he drove east into the alley, he heard 10-15 gunshots. He then turned south into the alley and saw two parked patrol vehicles facing south behind a pickup truck. He said there was no further gunfire and he heard deputies yelling commands to the suspect. He parked his patrol vehicle on the west side of the alley behind Deputy Loney's vehicle.

Trying to get out of the "kill zone," Detective Rudd exited his patrol vehicle and ran back to the rear of his car. From there, he ran south along the west side garages to an alcove area and took cover. He continued to hear deputies giving orders to the suspect and then heard someone request a less-lethal weapon. Knowing he did not have one in his vehicle, Detective Rudd turned around to run to find a less-lethal weapon when he saw Sergeant Fleischmann running from his Tahoe vehicle toward him.

Detective Rudd said about the same time, he saw five to seven deputies running south bound in the alley from the east/west "T" alley with their guns drawn. Detective Rudd said he told the deputies to holster their weapons and to take cover in the alcove with him. He told Sergeant Fleischmann that a less-lethal weapon was needed to break out the rear window on the suspect's vehicle. Sergeant Fleischmann told Detective Rudd to get a pepper ball gun from his Tahoe, so Detective Rudd ran to Fleischmann's vehicle.

Unable to access the secured weapons' box, Detective Rudd checked the interior of the Tahoe for a less-lethal weapon. He then saw Sergeant [redacted] running east into the alley from Judy Way toward him. Detective Rudd ran to Sergeant [redacted] and requested a pepper ball and they both ran back out onto Judy Way to retrieve one from his vehicle.

Detective Rudd said Sergeant [redacted] vehicle was parked in long line of patrol units. He stated that when they returned with the pepper ball weapon, the incident was over and the suspect was lying on the ground being given first aid. For further, refer to Detective Rudd's supplemental report located in ***Volume 2 - Exhibit A, pages 18-22*** and his diagram/sketch depicting the traffic stop, presented in ***Volume 2*** - ***Exhibit K.***

Deputy Michael McCarty was interviewed after the incident by Homicide Bureau Detectives Luis Nunez and Richard Tomlin. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 67-68***. Below is a combined summary of the Homicide and IAB interviews.

On January 3, 2013, at approximately 1010 hours, Deputy Michael McCarty was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. He was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy McCarty stated he was working in a two-person patrol car with Deputy Rabideaux, who at the time was a two-month newly assigned deputy. He stated that over the radio he heard emergent radio traffic regarding a deputy involved in a vehicle pursuit of a reckless drunk driver.

Upon his arrival, along with five other patrol units, he parked on Judy Way, south of the Cuesta Drive east/west alley, and west side of the traffic stop. He said as he parked he heard approximately 12 gunshots.

Deputy McCarty said that he and Deputy Rabideaux exited the patrol car, ran east in the alley, and stopped at the northwest corner at the "T" alleyway. He ran to the rear of Deputy [redacted] patrol vehicle and saw Deputies [redacted] and Espinosa standing behind the open driver's side door. He said Deputy Rabideaux ran toward other deputies on the west side.

Deputy McCarty said he took another position on the passenger's side of the secondary vehicle. He then heard several requests for an ARWEN to break out the rear window on the suspect's vehicle. Knowing he had an ARWEN in his trunk, Deputy McCarty backed out and ran west to his vehicle which was parked on Judy Way.

By the time he returned, Deputy McCarty learned that Deputy Rabideaux had obtained an ARWEN and had already fired several rounds at the suspect's vehicle. He said he stood to the right of Deputy Rabideaux and monitored the passenger's side of the suspect vehicle. He said he continued to hear the deputies give commands to the suspect.

Deputy McCarty said peripherally from his left side, he saw Deputies [redacted] and Espinosa; along with two other deputy personnel approach the suspect vehicle on the driver's side. He said he did not see the extraction, but saw Deputies [redacted] Espinosa and another unknown deputy, carry the suspect back toward the patrol cars, but he did not recall how the suspect was carried. He said he maintained cover until a Code 4 went out shortly afterward. Deputy McCarty had no recollection of radio transmissions advising of the first shooting and he only heard gunshots upon his arrival. For further, refer to Deputy McCarty's diagram/sketch depicting the traffic stop, presented in ***Volume 2 - Exhibit L***.

Deputy Jeffrey Rabideaux was interviewed after the incident by Homicide Bureau Detectives Kevin Lloyd and Frederick Morse. Also present was Sergeant Dinah Grote from Internal Affairs Bureau. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 44-45***. Below is a combined summary of the Homicide and IAB interviews.

On December 13, 2012, at approximately 1250 hours, Deputy Jeffrey Rabideaux was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy Rabideaux was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy Rabideaux stated he was working in a two-person marked patrol vehicle with Deputy McCarty and at the time of this incident was he was a newly assigned to Lakewood Station for approximately two months. He said Deputy McCarty was the driver and he was the book-person. He said he heard an assistance request being broadcasted over the radio by Deputy [redacted] regarding a vehicle pursuit of a reckless drunk driver.

En route, he heard a radio broadcast that a deputy was involved in a shooting. He said with the assistance from an air unit, they were directed into the area of the traffic stop.

Deputy Rabideaux said Deputy McCarty parked their patrol vehicle south bound in the alley behind two other parked patrol vehicles located on the west side. As he opened his door, he heard two to ten gunshots. Deputy McCarty then directed him to retrieve their shotgun.

> **IAB NOTE**: In Deputy McCarty's interview, he stated he parked their assigned patrol vehicle facing south on Judy Way, south of the east/west alley. Also, the third vehicle parked behind Deputy Loney's was identified as #1248, which was logged onto by Deputy [redacted]

Deputy Rabideaux stated that as he approached the traffic stop, he saw several deputies positioned between the primary patrol vehicle and the second primary patrol vehicle, which was parked west of the primary vehicle. He heard Deputy [redacted] yelling commands to the suspect to show his hands.

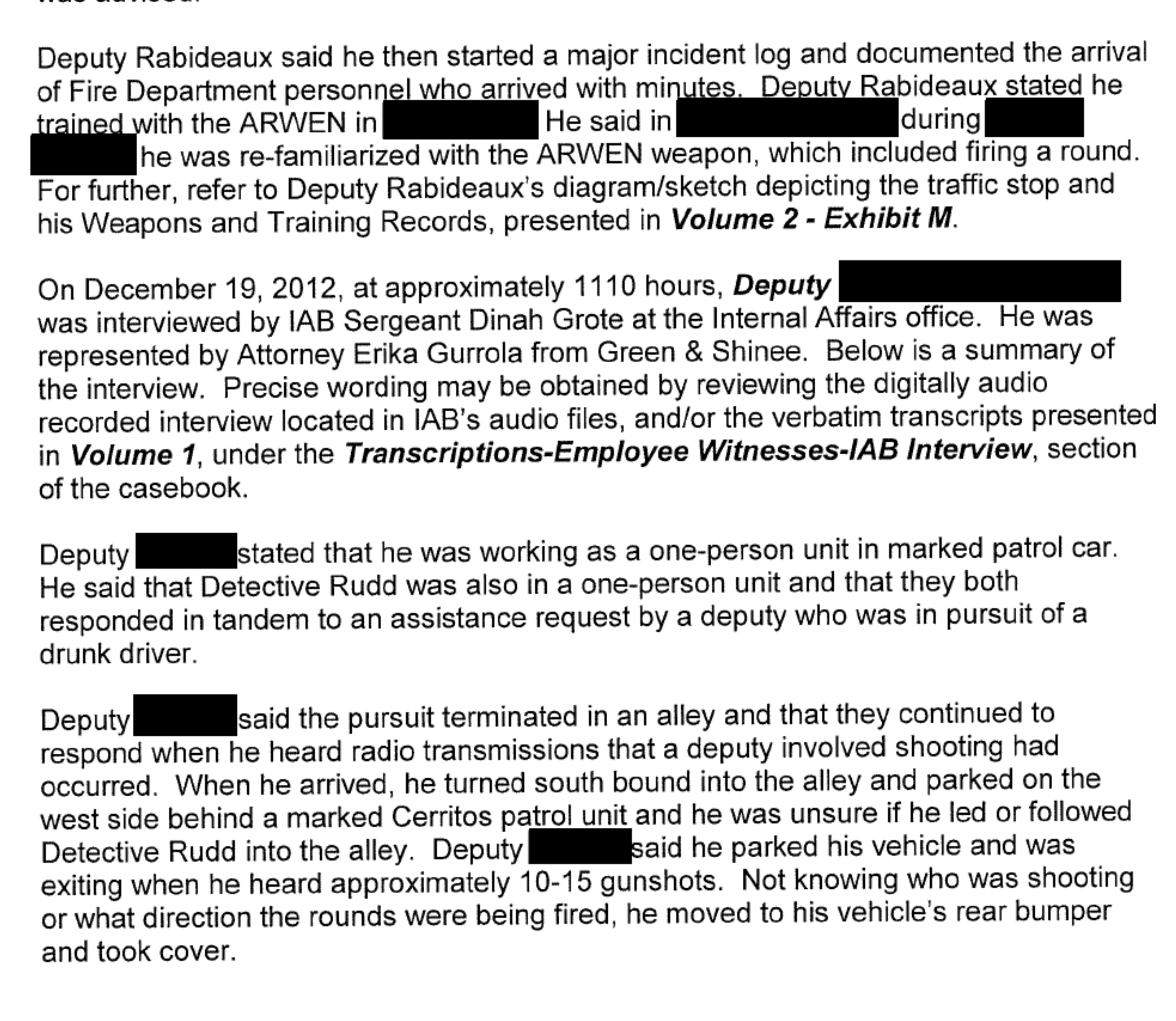
Deputy Rabideaux said Deputy McCarty went to the right side of the secondary primary vehicle and he took a position behind the opened front passenger's side armed with his shotgun. He said he lost sight of Deputy McCarty while he was covering the suspect vehicle. He heard someone request an ARWEN be deployed to break out the suspect's window to facilitate the introduction of a pepper ball into the cab of the truck.

Deputy Rabideaux saw an unknown male deputy (Richardson) next to him holding an ARWEN, so he advised the deputy he was familiar with the ARWEN and had previously shot one. He said he exchanged his shotgun for the ARWEN and checked to make sure the ARWEN was loaded. He was directed by someone unknown to shoot out the rear truck window so that pepper balls could be deployed. After verifying it was loaded, he heard a command for everyone to hold their fire and that the ARWEN was being deployed.

Deputy Rabideaux then yelled out "ARWEN" three times. He said the first two rounds missed the window. The third round struck the truck under the window and the fourth round pierced the rear passenger's side window. He stated his backdrop to firing the ARWEN was a garage door on the east side of the alley.

After firing the four rounds, Deputy Rabideaux said he heard an arrest team was being formed and he heard deputies still giving commands to the suspect to show his hands. He said the suspect would momentarily comply with the commands and then withdraw his hands. He said he continued to provide cover from the passenger's side door of the secondary patrol vehicle. The arrest team, which consisted of Deputy [redacted] and two other unknown deputies, approached the suspect's truck from the driver's side.

Deputy Rabideaux said from his position, he could not see the deputies' faces. He said the truck door was opened, they (unknown deputies) reached into the vehicle and removed the suspect and placed him on the ground outside the truck door, out of his view. Approximately 20-30 seconds later and peripherally, he saw the deputies walk the suspect back behind the patrol vehicles as he continued to maintain cover on the suspect vehicle. He said the vehicle was cleared for additional suspects and a Code 4 was advised.

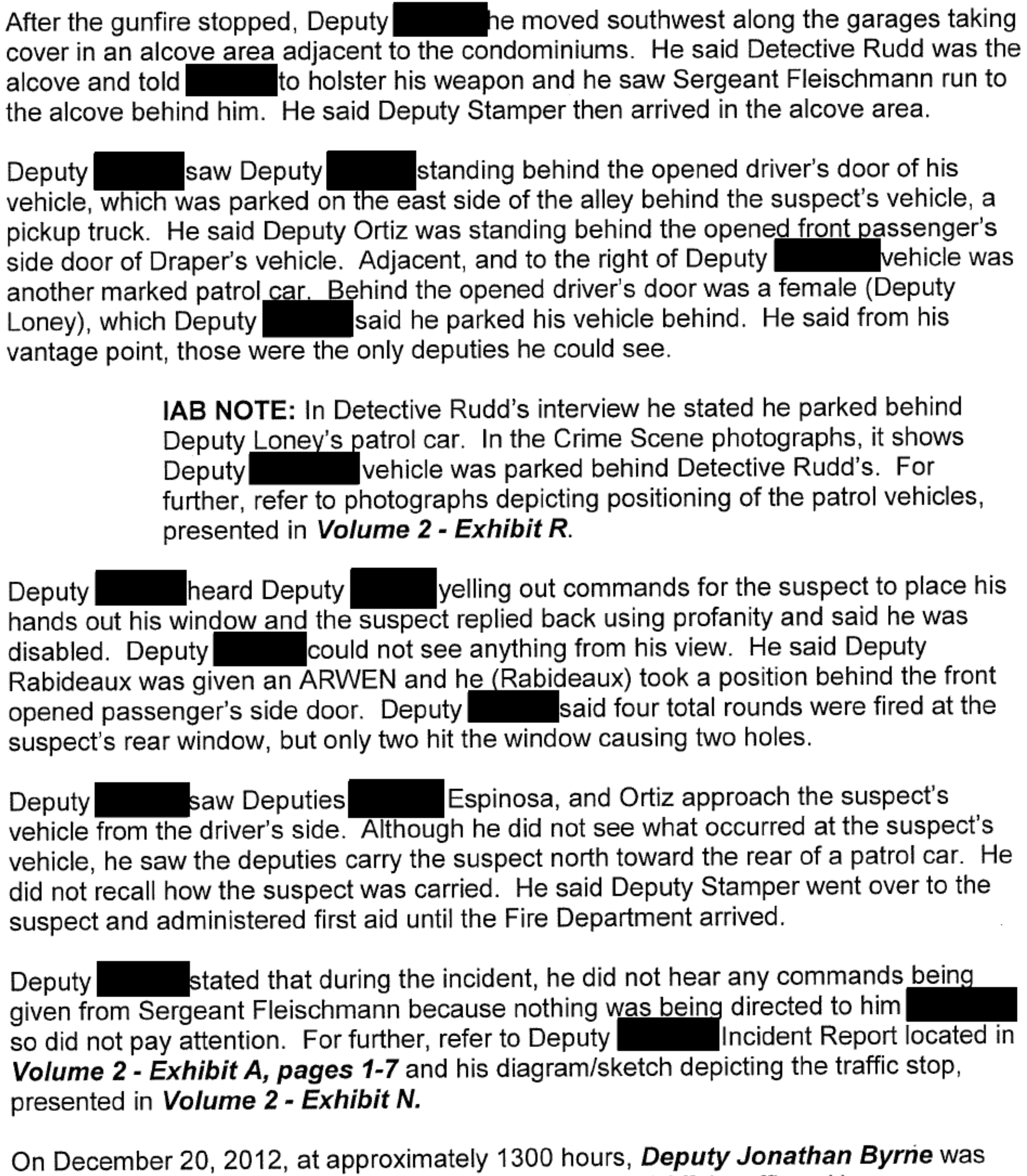


Deputy Rabideaux said he then started a major incident log and documented the arrival of Fire Department personnel who arrived with minutes. Deputy Rabideaux stated he trained with the ARWEN in [redacted] He said in [redacted] during [redacted] he was re-familiarized with the ARWEN weapon, which included firing a round. For further, refer to Deputy Rabideaux's diagram/sketch depicting the traffic stop and his Weapons and Training Records, presented in ***Volume 2 - Exhibit M***.

On December 19, 2012, at approximately 1110 hours, ***Deputy*** [redacted] was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. He was represented by Attorney Erika Gurrola from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy [redacted] stated that he was working as a one-person unit in marked patrol car. He said that Detective Rudd was also in a one-person unit and that they both responded in tandem to an assistance request by a deputy who was in pursuit of a drunk driver.

Deputy [redacted] said the pursuit terminated in an alley and that they continued to respond when he heard radio transmissions that a deputy involved shooting had occurred. When he arrived, he turned south bound into the alley and parked on the west side behind a marked Cerritos patrol unit and he was unsure if he led or followed Detective Rudd into the alley. Deputy [redacted] said he parked his vehicle and was exiting when he heard approximately 10-15 gunshots. Not knowing who was shooting or what direction the rounds were being fired, he moved to his vehicle's rear bumper and took cover.



After the gunfire stopped, Deputy [redacted] he moved southwest along the garages taking cover in an alcove area adjacent to the condominiums. He said Detective Rudd was the alcove and told [redacted] to holster his weapon and he saw Sergeant Fleischmann run to the alcove behind him. He said Deputy Stamper then arrived in the alcove area.

Deputy [redacted] saw Deputy [redacted] standing behind the opened driver's door of his vehicle, which was parked on the east side of the alley behind the suspect's vehicle, a pickup truck. He said Deputy Ortiz was standing behind the opened front passenger's side door of Draper's vehicle. Adjacent, and to the right of Deputy [redacted] vehicle was another marked patrol car. Behind the opened driver's door was a female (Deputy Loney), which Deputy [redacted] said he parked his vehicle behind. He said from his vantage point, those were the only deputies he could see.

> **IAB NOTE:** In Detective Rudd's interview he stated he parked behind Deputy Loney's patrol car. In the Crime Scene photographs, it shows Deputy [redacted] vehicle was parked behind Detective Rudd's. For further, refer to photographs depicting positioning of the patrol vehicles, presented in ***Volume 2 - Exhibit R***.

Deputy [redacted] heard Deputy [redacted] yelling out commands for the suspect to place his hands out his window and the suspect replied back using profanity and said he was disabled. Deputy [redacted] could not see anything from his view. He said Deputy Rabideaux was given an ARWEN and he (Rabideaux) took a position behind the front opened passenger's side door. Deputy [redacted] said four total rounds were fired at the suspect's rear window, but only two hit the window causing two holes.

Deputy [redacted] saw Deputies [redacted] Espinosa, and Ortiz approach the suspect's vehicle from the driver's side. Although he did not see what occurred at the suspect's vehicle, he saw the deputies carry the suspect north toward the rear of a patrol car. He did not recall how the suspect was carried. He said Deputy Stamper went over to the suspect and administered first aid until the Fire Department arrived.

Deputy [redacted] stated that during the incident, he did not hear any commands being given from Sergeant Fleischmann because nothing was being directed to him [redacted] so did not pay attention. For further, refer to Deputy [redacted] Incident Report located in ***Volume 2 - Exhibit A, pages 1-7*** and his diagram/sketch depicting the traffic stop, presented in ***Volume 2 - Exhibit N.***

On December 20, 2012, at approximately 1300 hours, ***Deputy Jonathan Byrne*** was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. He was represented by Attorney Erika Gurrola from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy Byrne stated he was responded with his civilian ride-along to radio transmissions of a deputy involved in a vehicle pursuit of a reckless drunk driver. As he headed toward the pursuit location, he heard transmissions that the deputy was detaining the suspect at gunpoint and then that a deputy involved shooting occurred.

When Deputy Byrne arrived into the neighborhood, he heard a second radio transmission of a deputy involved shooting, but he did not hear gunshots. He said he turned east into the alley from Judy Way. He said he parked west of the north/south alley behind the condominium building to keep his ride-along out of harm's way and advised the civilian to stay in his locked vehicle.

Deputy Byrne exited his vehicle and ran southwest along the garages and took cover behind the wall of an alcove. As he ran, he saw two parked south facing patrol cars on the east side of the alley. He said the suspect's vehicle was parked in front of the patrol cars.

In the alcove, Deputy Byrne saw another four to five deputies standing behind the wall. He remained behind in the alcove and did not see the ARWEN being deployed or see deputies extract the suspect from his vehicle. He said the suspect was carried back behind the patrol vehicles, but he did not recall who carried the suspect or how the suspect was carried. He said he came out from behind the alcove and saw the suspect was handcuffed and laying on the ground.

Deputy Byrne provided security of the suspect at the while he was being treated for his injuries. For further, refer to Deputy Byrne's supplemental report located in ***Volume 2 - Exhibit A, page 23*** and his diagram/sketch depicting the traffic stop, presented in ***Volume 2 - Exhibit O***.

Deputy Sean Stamper was interviewed after the incident by Homicide Bureau Detectives Luis Nunez and Richard Tomlin. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, page 63***. Below is a combined summary of the Homicide and IAB interviews.

On December 19, 2012, at approximately 1020 hours, Deputy Sean Stamper was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. He was represented by Attorney Erika Gurrola from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-IAB Interview***, section of the casebook.

Deputy Stamper heard a radio broadcast of a deputy involved in the pursuit of a reckless drunk driver and he began driving toward the pursuit along with other patrol units. At the terminus of the pursuit, he heard a female voice say over the radio that a deputy involved shooting had occurred.

Deputy Stamper drove east into the condominium complex alley from Judy Way. He said he parked his patrol vehicle in the middle of the east/west and north/south "T" alleyways to block all alley traffic. As he exited his car, he heard approximately five to ten gunshots. Not knowing who was shooting, he took cover behind a civilian vehicle, which was parked on the northeast side of the north/south alley. Looking south toward the traffic stop, he saw smoke in the air.

> **IAB NOTE**: In the Crime Scene photographs, it shows Deputy Stamper's patrol vehicle was parked east of the north/south alley. For further, refer to photographs depicting positioning of the patrol vehicles, presented in ***Volume 2*** **- Exhibit R.**

After the shooting stopped, he heard Deputy [redacted] yelling out commands for the suspect to show his hands and he saw the suspect hands move in and out of the driver's window. After approximately two minutes, Deputy Stamper moved to the south west side of the alley and took cover in an alcove. He recalled Detective Rudd being present and several other deputies.

Deputy Stamper continually heard Deputy [redacted] yelling out orders to the suspect to show his hands and he recalled seeing Sergeant Fleischmann near in the area of the primary and secondary patrol vehicles, then move to the driver's side of the primary patrol car.

From behind the alcove, Deputy Stamper heard someone request an ARWEN. He then looked and saw a deputy with the ARWEN get behind an opened unknown car door and fire several shots at the back of the suspect's truck. He said moments later, an arrest team was formed. He saw Deputies Ortiz and [redacted] with one to two other unknown deputies approach the suspect's vehicle along the driver's side.

Deputy Stamper stated the deputies carried the suspect back toward the radio cars and placed him on the ground. He did not recall who carried the suspect or how the suspect was carried. The suspect as then rendered first aid pending the arrival of the Fire Department. For further, refer to Deputy Stamper's diagram/sketch depicting the traffic stop, presented in ***Volume 2 - Exhibit P***.

Deputy Donald Navarrette was interviewed after the incident by Homicide Bureau Detectives Luis Nunez and Richard Tomlin. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions-Employee Witnesses-Homicide Interview*** section of the IAB casebook. For his complete summarized interview with Homicide Bureau investigators, refer to ***Volume 2 - Exhibit A, pages 66-67***.

Deputy Navarrette stated he was inside Cerritos Sheriff's Station when he heard radio transmissions that a Lakewood unit was in pursuit of a drunk driver. He said he went to patrol car and responded toward the pursuit. He said when he reached Artesia and Norwalk Boulevards and heard a radio transmission advising that a deputy had been involved in a shooting.

Deputy Navarrette said a Sheriff's airship directed him and several other patrol units into an east/west alley off of Judy Way, then to a north/south alley where he saw flashing overhead lights of the patrol cars and a pickup truck illuminated. He heard a deputy yelling, "Put your hands out the window."

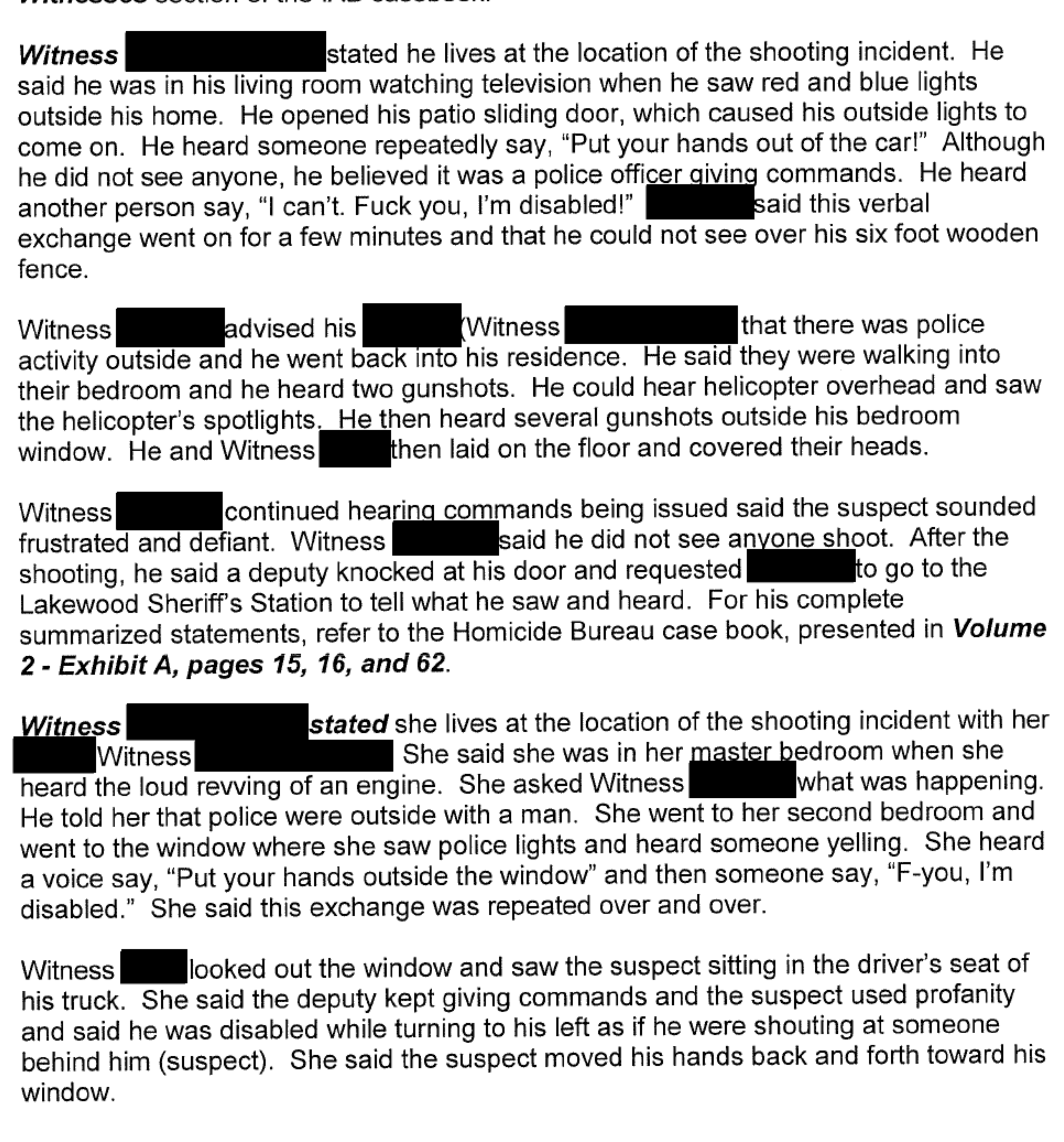
Deputy Navarrette parked on the east side of the alley behind one or two other patrol cars and heard someone request a shotgun. Deputy Navarrette grabbed his shotgun and exited his patrol car and placed a round in it. Simultaneously, he heard several gunshots. He looked up and saw rounds were being fired at the suspect's vehicle. He did not see who was shooting, but saw the rounds were directed at the suspect's vehicle.

When the shooting stopped, Deputy Navarrette made his way over to the driver's side of Deputy [redacted] vehicle, which was parked behind the suspect's vehicle. He said deputies yelled commands to the suspect to show his hands. Deputy Navarrette said the suspect refused to completely comply as he would show one hand then pull it back into the truck.

Deputy Navarrette said that after several minutes of commands being yelled to the suspect, a plan was formulated to deploy the ARWEN in an attempt to break out the back windshield. He said after the ARWEN gun was fired, an arrest team approached the truck and removed the suspect. Deputy Navarrette said the suspect was brought back to an open area behind the patrol cars where he was placed on the ground. He said paramedics arrived and treated the suspect.

> **IAB NOTE:** Deputy Navarrette has been off work due to a work related injury and was unavailable to participate in an interview. His next doctor's appointment is on May 9, 2013.

NON-EMPLOYEE WITNESSES STATEMENTS:
The below civilian witnesses were identified at the location and interviewed during the investigation by Homicide Bureau Investigators Luis Nunez and Richard Tomlin. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts presented in ***Volume 1***, under the ***Transcriptions, Non-Employee Witnesses*** section of the IAB casebook.



Witness [redacted] stated he lives at the location of the shooting incident. He said he was in his living room watching television when he saw red and blue lights outside his home. He opened his patio sliding door, which caused his outside lights to come on. He heard someone repeatedly say, "Put your hands out of the car!" Although he did not see anyone, he believed it was a police officer giving commands. He heard another person say, "I can't. Fuck you, I'm disabled!" [redacted] said this verbal exchange went on for a few minutes and that he could not see over his six foot wooden fence.

Witness [redacted] advised his [redacted] (Witness [redacted] that there was police activity outside and he went back into his residence. He said they were walking into their bedroom and he heard two gunshots. He could hear helicopter overhead and saw the helicopter's spotlights. He then heard several gunshots outside his bedroom window. He and Witness [redacted] then laid on the floor and covered their heads.

Witness [redacted] continued hearing commands being issued said the suspect sounded frustrated and defiant. Witness [redacted] said he did not see anyone shoot. After the shooting, he said a deputy knocked at his door and requested [redacted] to go to the Lakewood Sheriff's Station to tell what he saw and heard. For his complete summarized statements, refer to the Homicide Bureau case book, presented in ***Volume 2 - Exhibit A, pages 15, 16, and 62***.

Witness [redacted] ***stated*** she lives at the location of the shooting incident with her [redacted] Witness [redacted] She said she was in her master bedroom when she heard the loud revving of an engine. She asked Witness [redacted] what was happening. He told her that police were outside with a man. She went to her second bedroom and went to the window where she saw police lights and heard someone yelling. She heard a voice say, "Put your hands outside the window" and then someone say, "F-you, I'm disabled." She said this exchange was repeated over and over.

Witness [redacted] looked out the window and saw the suspect sitting in the driver's seat of his truck. She said the deputy kept giving commands and the suspect used profanity and said he was disabled while turning to his left as if he were shouting at someone behind him (suspect). She said the suspect moved his hands back and forth toward his window.

Witness [redacted] said she and Witness [redacted] returned to their master bedroom when she heard the deputy say something like, "Oh Jesus," followed by a gunshot, then another gunshot. She heard continued yelling, a helicopter, along with sirens and cars coming toward her house. She looked out the window and saw at least three deputies running toward the rear of her condominium.

Witness [redacted] said she heard shouting during the entire time and then heard approximately eight to ten shots. After a few minutes passed, she said she went to the front of her house. She saw deputies and a group of people coming out from their houses and assumed the incident was over. She said a deputy later knocked on their door and requested them [redacted] to come to the station for an interview. For her complete summarized statements, refer to the Homicide Bureau case book, presented in ***Volume 1 - Exhibit A, pages 15, 16, and 60 to 62***.

SUSPECT STATEMENT:

On February 28, 2012, at 1200 hours, Homicide Detectives Kevin Lloyd and Frederick Morse interviewed Suspect Eduardo Armas at the University of California-Irvine Medical Center (UCI). Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts located in ***Volume 1***, under the ***Transcriptions-Suspect*** section of this case book. For his complete summarized interview by Homicide, refer to ***Volume 2 - Exhibit A, pages 56-58***.

Suspect Armas stated he had a previous spinal injury which causes his leg to shake at times, and he uses a wheelchair when he gets tired. After seven years of sobriety from alcohol and the breakup from his girlfriend, he began drinking alcohol again in November of 2011.

Suspect Armas said on the day of the shooting incident, he woke up, went to the grocery store and bought beer. He then drank his beer in the parking lot of a restaurant. After consuming his beer, he drove to a liquor store in the city of Orange and drank vodka and orange juice in the liquor store parking lot at approximately 6 p.m. He also admitted to using cocaine one or two days prior.

He stated he did not know how or why he was driving on the 91 freeway. He did not remember being pursued by deputies or being shot at. He remembered stopping the truck and attempting to pull out the wheelchair. He denied having a mean disposition when he is drunk and stated he generally does not use profanity.

Suspect Armas said he stores his wheelchair in an upright position with the back of the chair against the passenger's seat. He said he usually removes the wheelchair by sliding it between him and the steering wheel, placing it outside the driver's door. He also walks around to the passenger side and removes the chair via the passenger door.

MISCELLANEOUS SECTION:

None.